

PHILLIP A. TALBERT
United States Attorney
DAVID L. GAPPY
Assistant United States Attorney
2500 Tulare Street
Suite 4401
Fresno, California 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

V.

TODD MUMMA,

Defendant.

CASE NO. 1:20-CR-00168 JLT-SKO

**STIPULATION TO MODIFIED FILING DATES
AND SCHEDULING PRETRIAL HEARING**

PROPOSED DATE: February 27, 2024

TIME: 1:30 pm

COURT: Hon. Jennifer L. Thurston

STIPULATION

This case is scheduled for a jury trial to begin with jury selection on March 5, 2024. As noted below, the parties have discussed the case and agreed to modify some of the deadlines set in the court's pretrial order filed on January 17, 2024. ECF No. 112. The parties also believe that trial of the case will likely proceed more efficiently if the court conducts a pretrial hearing the week prior to trial. This will permit the parties to refine exhibits and strategy based on anticipated rulings and should avoid having prospective jurors wait unnecessarily on the morning of jury selection. Accordingly, the parties have reached the following agreements and request that the court issue the proposed order.

1. By previous order, responses to motions in limine, exhibits, exhibit lists, witness lists, proposed instructions, proposed voir dire, trial briefs, and an agreed statement of the case are due on February 20, 2024.

1 2. By this stipulation, the parties have agreed to modify those filing deadlines from
2 February 20 to February 23, 2024, at 4:00 p.m.

3 3. The parties believe that they will be more likely to narrow issues in dispute with the
4 modified filing deadlines, in part, because it will permit defense counsel to review proposed exhibits
5 other than on a holiday weekend. The government has continued to produce discovery, and this will
6 permit the defense to continue to review that material.

7 4. The parties also request that the court schedule a hearing on pending motions in limine or
8 other pretrial issues that can be resolved on February 27, 2024, at 1:30 pm. The parties propose a new
9 deadline for filing trial briefs (optional for the defendant) by February 29, 2024, at 4:00 pm.

10 5. Based on this stipulation, the parties request that the Court issue the attached proposed
11 order.

12 IT IS SO STIPULATED.

13 Dated: February 16, 2024

PHILLIP A. TALBERT
United States Attorney

15 _____
16 /s/ David L. Gappa
17 David L. Gappa
18 Assistant United States Attorney

19 Dated: February 16, 2024

20 _____
21 /s/ Dan Bacon
22 Dan Bacon
23 Counsel for Defendant
24 TODD MUMMA

25
26
27
28

ORDER

Based upon a review of the parties' stipulation filed on February 16, 2024, and the record of this case:

IT IS HEREBY ORDERED that the deadline for filing responses to motions in limine, exhibits, exhibit lists, witness lists, proposed instructions, proposed voir dire, and an agreed statement of the case, be changed from February 20, 2024 to February 23, 2024, at 4:00 pm.

IT IS FURTHER ORDERED that the court will conduct a hearing on pending motions and to resolve pretrial issues on February 27, 2024, at 1:30 pm.

IT IS FURTHER ORDERED that any trial brief be filed by February 29, 2024, at 4:00 pm.

IT IS SO ORDERED.

Dated: **February 19, 2024**

Jennifer L. Thurston
UNITED STATES DISTRICT JUDGE